

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JAZWARES, LLC,

Plaintiff,

No. C 22-00094 WHA

v.

EMMANUEL JOSE PEREZ,

Defendant.

**ORDER GRANTING PRELIMINARY
INJUNCTION**

Plaintiff Jazwares, LLC moves for a preliminary injunction against defendant Emmanuel Jose Perez. Plaintiff had previously moved for a TRO on January 7, 2022. On January 27, after a hearing in which Mr. Perez did not appear despite being served with notice via a process server, the Court issued a TRO prohibiting Mr. Perez from posting images online of Jazwares' action-figure prototypes, among other restrictions (Dkt. Nos. 12, 19). The TRO also expedited Mr. Perez's deposition and ordered him to show cause for why a preliminary injunction should not issue. The preliminary injunction hearing was scheduled for February 24 (Dkt. No. 19). Jazwares served the TRO on defendant, again via process server (Dkt. No. 22). So far, Mr. Perez has not appeared in this action and did not attend the February 24 hearing. The Clerk entered a default against Mr. Perez on February 22 (Dkt. No. 25).

1 Little has changed since the TRO hearing on January 27. As Jazwares explained in the
2 hearing on February 24, Mr. Perez failed to appear for his deposition and published two further
3 posts online that allegedly violated the terms of the TRO. The Court hereby orders as follows:

4 To the following extent, Jazwares' motion for a preliminary injunction order is
5 **GRANTED.** The Court finds that Jazwares is likely to succeed on the merits of its trade secret
6 misappropriation claims, its Lanham Act claims, its claims for unlawful and unfair business
7 practices, and its claim for conversion. The Court further finds that defendant's actions are
8 causing Jazwares irreparable harm because they threaten to deprive Jazwares of its ability to
9 control the quality of products identified with its licensed trademarks and threatens to erode
10 Jazwares' business reputation, as it relates to quality control standards and the protection of
11 confidential information about unreleased products and future business plans. The Court
12 further finds that the balance of equities weighs in favor of granting Jazwares' motion because
13 defendant will suffer no harm from being unable to engage in illegal activities. Finally, the
14 Court finds that preventing trade secret misappropriation, conversion, unfair competition, and
15 protecting Jazwares' intellectual property rights are in the public interest. Accordingly, the
16 Court finds that all four *Winter* factors weigh in favor of granting Jazwares' motion and issuing
17 a preliminary injunction replacing the TRO that will remain in effect for the rest of this action.

18 **IT IS HEREBY ORDERED** that defendant, his agents, servants, employees, and all
19 other persons acting in concert or participation with them, are enjoined from:

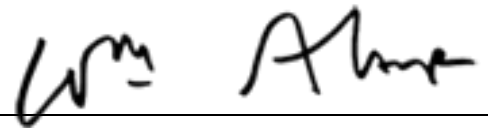
- 20 1. acquiring, disclosing, distributing, selling, or otherwise trafficking in samples,
21 prototypes, or final engineering pilots of Jazwares' products;
- 22 2. posting images of samples, prototypes, or final engineering pilots of Jazwares'
23 products on social media platforms, including, without limitation, Instagram and
24 Facebook, Internet websites, or other public forums;
- 25 3. interfering with Jazwares' rightful possession of product samples, prototypes, and
26 final engineering pilots for its own products;

4. possessing or disclosing Jazwares' trade secret information, including, without limitation, information about Jazwares' products that have not yet been released to the public.

IT IS FURTHER ORDERED that this preliminary injunction order and all supporting pleadings and papers must be served by process server upon defendant no later than March 3, 2022.

IT IS SO ORDERED.

Dated: February 24, 2022.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE